

APRIL 14, 1944

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Page 1**PEARL HARBOR WITNESSES UNAVAILABLE DUE TO WAR ASSIGNMENTS**

Secretary of the Navy Frank Knox has received a memorandum from Admiral Ernest J. King, U.S.N., Commander in Chief of the United States Fleet, in which Admiral King officially informed the Secretary that certain officers of the Navy now serving on battle fronts in various parts of the world, could not be withdrawn from their military duties in order to participate as members or witnesses in court martial proceedings in connection with the Japanese attack on Pearl Harbor on December 7, 1941.

In his consideration of the case of Rear Admiral Husband Kimmel, U.S.N. (Retired), and of the procuring of members and witnesses for a court martial, the Secretary had requested Admiral King to advise him as to the availability of certain officers should a court martial be convened.

Admiral King, answering the Secretary, said: "About half the officers listed are on duty at sea in command of forces engaged with the enemy and in accordance with planned operations. Others at sea are performing duties on the staffs of those commanders."

At his press conference on April 11, 1944, Secretary Knox was questioned in connection with Congress' extension of the time for trial of those involved in the Pearl Harbor catastrophe to June 7, 1944, and the Secretary said he would obtain the opinion of his legal advisers.

"I have discussed this matter with Rear Admiral Gatch, the Judge Advocate General of the Navy," said Secretary Knox, "and I have been advised by him that, inasmuch as Admiral Kimmel has long since signed an agreement not to interpose the statute of limitations as a bar to his trial, there is now no necessity to construe any acts of Congress on this subject."

The Secretary further explained that Admiral Thomas C. Hart, U.S.N. (Retired), is now in Hawaii pursuing his investigation into matters relating to the attack upon Pearl Harbor by the Japanese on December 7, 1941.

"I would certainly feel derelict in my duty if I took from the Fleet and the fighting fronts for court martial proceedings the officers whom Admiral King has placed in those positions," concluded the Secretary.

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